

APPEAL,CLOSED2022,DP

U.S. District Court
SOUTHERN DISTRICT OF ALABAMA (Mobile)
CIVIL DOCKET FOR CASE #: 1:22-cv-00253-TFM-N

James v. Raybon et al

Assigned to: District Judge Terry F. Moorer

Referred to: Magistrate Judge Katherine P. Nelson

Cause: 42:1983 Prisoner Civil Rights

Date Filed: 06/27/2022

Date Terminated: 07/13/2022

Jury Demand: None

Nature of Suit: 550 Prisoner: Civil Rights

Jurisdiction: Federal Question

Plaintiff

Joe Nathan James, Jr.

represented by **Joe Nathan James, Jr.**

Z-610

Holman Correctional Facility

Holman 3700

Atmore, AL 36503-3700

PRO SE

V.

Defendant

Terry Raybon

Warden at Holman Prison

represented by **Richard Dearman Anderson**

Office of the Attorney General of Alabama

Capital Litigation

501 Washington Ave.

Montgomery, AL 36130-0152

(334) 353-2021

Email: Richard.Anderson@alabamaag.gov

ATTORNEY TO BE NOTICED

Bar Status: Active

Defendant

John Hamm

*Commissioner at Department of
Corrections*

represented by **Richard Dearman Anderson**

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Active

Defendant

Julia Jordan Weller

Clerk at Supreme Court of Alabama

represented by **James W. Davis**

Office of the Attorney General

501 Washington Ave.

Montgomery, AL 36130-0152

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Bar Status: Active

Defendant

Steve Marshall

Attorney General, State of Alabama

represented by **Richard Dearman Anderson**

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Active

Defendant

Earl Marsh, Jr.

Marshal, Appellate Courts of Alabama

represented by **James W. Davis**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Bar Status: Active

Defendant

Sheriff of Jefferson County

represented by **Bruce L. Gordon**

Gordon, Dana, Still, Knight & Gilmore,
LLC

600 University Park Place, Suite 100

Birmingham, AL 35209

205-874-7950

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Bar Status: Active

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Page	Docket Text
06/27/2022	<u>1</u>		PRISONER COMPLAINT [For Inmate Action] Under 42 USC Section 1983 against John Hamm, Earl Marsh, Jr, Steve Marshall, Terry Raybon, Sheriff of Jefferson County, Julia Jordan Weller, filed by Joe Nathan James, Jr. 90 day Rule 4m deadline set for 9/26/2022.; referred to Judge Moorer (mab) (Entered: 06/28/2022)
06/27/2022	<u>2</u>		MOTION for Leave to Proceed in forma pauperis filed by Joe Nathan James, Jr.; Referred to Judge Terry F. Moorer. (mab) (Entered: 06/28/2022)
06/29/2022			MOTION for Preliminary Injunction filed by Joe Nathan James, Jr. (SEE DOCS. <u>1</u> & <u>3</u>) (Referred to J/Moorer) (tot) (Entered: 06/29/2022)
06/29/2022	<u>3</u>		Order GRANTING Plf's <u>2</u> MOTION for Leave to Proceed in forma pauperis as set out. The Clerk is DIRECTED to furnish a copy of this order to the account clerk at Holman Correctional Facility. The Court is construing the Complaint as containing a MOTION for Preliminary Injunction to which Dft shall file a response on or before 7/8/2022. In addition to the normal method of serving this Order & Complaint, the Clerk is DIRECTED to send a copy of this information to Dft by expedited means as set out. Signed by District Judge Terry F. Moorer on 6/29/22. (e-mailed to Office Attny Gen of the State of Alabama, Warden Terry Raybon, & Office of Commissioner of ADOC on 6/29/22; copy mailed to Plf & Account Clerk @ Holman Correctional Facility on 6/29/22; & copy to

		Attny Gen of the State of Alabama, Warden Terry Raybon, & John Q. Hamm, Commissioner of ADOC, via overnight delivery on 6/29/22) (tot) (Entered: 06/29/2022)
06/29/2022	<u>4</u>	NOTICE of Appearance by Richard Dearman Anderson on behalf of John Hamm (Anderson, Richard) (Entered: 06/29/2022)
07/01/2022	<u>5</u>	NOTICE of Appearance by Richard Dearman Anderson on behalf of John Hamm, Steve Marshall, Terry Raybon (Anderson, Richard) (Entered: 07/01/2022)
07/06/2022	<u>6</u>	MOTION to Dismiss <i>Plaintiff's Complaint</i> filed by John Hamm, Steve Marshall, Terry Raybon. (Attachments: # <u>1</u> Exhibit A) (Anderson, Richard) (Entered: 07/06/2022)
07/06/2022		MOTIONS REFERRED: <u>6</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> Referred to Judge Terry F. Moorer. (mab) (Entered: 07/06/2022)
07/07/2022	<u>7</u>	MOTION to Dismiss filed by Earl Marsh, Jr, Julia Jordan Weller. (Davis, James) (Entered: 07/07/2022)
07/07/2022		MOTIONS REFERRED: <u>7</u> MOTION to Dismiss Referred to Judge Terry F. Moorer. (mab) (Entered: 07/07/2022)
07/08/2022	<u>8</u>	NOTICE of Appearance by Bruce L. Gordon on behalf of Sheriff of Jefferson County (Gordon, Bruce) (Entered: 07/08/2022)
07/08/2022	<u>9</u>	MOTION to Dismiss <i>Plaintiff's Complaint</i> filed by Sheriff of Jefferson County. (Gordon, Bruce) (Entered: 07/08/2022)
07/08/2022		MOTIONS REFERRED: <u>9</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> Referred to Judge Terry F. Moorer. (mab) (Entered: 07/08/2022)
07/13/2022	<u>10</u>	MEMORANDUM OPINION AND ORDER DENYING James's Motion for a Preliminary Injunction staying his execution. It is ORDERED that James' Complaint <u>1</u> is DISMISSED without prejudice because Plt's claims are either frivolous or fail to state a claim upon which relief can be granted. As a result, the Defendants' Motions to Dismiss <u>6</u> , <u>7</u> , <u>9</u> are DENIED as moot. The Clerk is DIRECTED to send a copy of the Memorandum Opinion & Order to Plt by overnight mail, & defense counsel is to send a copy to the Warden by either electronic mail or facsimile w/the instructions that a copy of this Memorandum Opinion & Order be given to the Plt immediately upon receipt. (copy sent to Plt by UPS overnight mail & to Terry Raybon, Warden @ Holman Correctional Facility, by e-mail on 7/13/22) Signed by District Judge Terry F. Moorer on 7/13/2022. (fz) (Entered: 07/13/2022)
07/13/2022	<u>11</u>	JUDGMENT, this action is DISMISSED without prejudice in accordance w/the Memorandum Opinion & Order entered this date. The Clerk is DIRECTED to enter this document on the civil docket as the Final Judgment as set out. (copy sent to Plt by UPS overnight mail & to Terry Raybon, Warden @ Holman Correctional Facility, by e-mail on 7/13/22) Signed by District Judge Terry F. Moorer on 7/13/2022. (fz) (Entered: 07/13/2022)
07/18/2022	<u>12</u>	NOTICE OF APPEAL as to <u>11</u> Judgment, by Joe Nathan James, Jr. (cjr) (Entered: 07/18/2022)

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JOE NATHAN JAMES, JR.,)
AIS 000Z610)
Plaintiff,)
vs.) CIV. ACT. NO. 1:22-cv-253-TFM-N
TERRY RAYBON, Warden, *et. al.*,)
Defendants.)

JUDGMENT

In accordance with the Memorandum Opinion and Order entered this same date, it is
ORDERED, ADJUDGED and **DECREEED** that this action is **DISMISSED** without prejudice.

The Clerk of Court is **DIRECTED** to enter this document on the civil docket as a Final
Judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DONE and **ORDERED** this 13th day of July 2022.

/s/ Terry F. Moorer
TERRY F. MOORER
UNITED STATES DISTRICT JUDGE

FILED JUL 18 2022 PM 12:53 USDCALS

In The United States District Court For
The Southern District of Alabama
Southern District

Joe Nathan James, #Z-610 vs
Plaintiff,
vs.
CIV. ACT. NO. 1:22-cv-253-
TFM-N
Terry Raybon, Warden, et.al.,
Defendants

Notice of Appeal

The Plaintiff gives notice of intent to
Appeal in this civil action, to the Eleventh Circuit
Court of Appeals.

Done this 15th day of July 2022

Joe N. James # Z-610
Plaintiff

Address: Joe N. James # Z-610
K-25
Holman 3700
Atmore, AL 36503

K-25

Holman 3700

Atmore, AL 36503

MOBILE AL 366

15 JUL 2022 PM 2 L



United States District Court
Southern District of Alabama

Chalk

155 St. Joseph Street

Mobile, Alabama 36602

202-36,000

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